

ENTERED

December 27, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RYANT CONNELLY,

Plaintiff,

VS.

NUECES COUNTY DISTRICT
ATTORNEYS OFFICE, *et al.*,

Defendants.

CIVIL ACTION NO. 2:22-CV-00187

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On October 13, 2022, United States Magistrate Judge Jason B. Libby issued a “Memorandum and Recommendation” (M&R, D.E. 31), recommending that this action be dismissed for want of prosecution after Plaintiff failed to timely file a more definite statement of facts to support his otherwise conclusory allegations. Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13.

No objections have been timely filed. However, Plaintiff sent the Court a letter (D.E. 33) explaining that he believed he had timely sent a more definite statement of facts to the Court, he hoped the Court could find a copy of the statement, and he has had difficulty prosecuting his case because of delays in the mail and his transfer among detention facilities. He has indicated a desire to prosecute this case and has asked to be


supplied a new copy of the Order for More Definite Statement (D.E. 8) so that he may again file his responsive statement.

When no timely objection to a magistrate judge's M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's M&R (D.E. 31), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**.

Final judgment will be withheld for thirty (30) days to give Plaintiff an opportunity to file a motion to reinstate, together with his more definite statement. Toward that end, the Court **ORDERS** the Clerk of Court to send a copy of the Order for More Definite Statement (D.E. 8) to Plaintiff along with this Order.

ORDERED on December 27, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE